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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,413	09/10/2003	Alexey Kobozev	50325-0815	5822

29989 7590 11/28/2007
HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER

BESROUR, SAOUSSEN

ART UNIT	PAPER NUMBER
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2131

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,413

Applicant(s)

KOBOZEV ET AL.

Examiner

Saoussen Besrour

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to amendment filed 9/19/2007. Claims 1-4, 18-21, 32-35, 44 and 45 were amended. New claims 46 and 47 were added. Claims 1-47 are pending. Applicant's arguments/ amendments with respect to the claims have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Claim Objections

2. Corrections to the claims were received 9/19/2007, previous claim objection have been withdrawn.

Claim Rejections - 35 USC § 101

3. regarding Applicant's argument that Claim 44 is now statutory due to the amendments, Examiner respectfully disagrees and would like to point out that in the specification page 25, it states "common forms of computer-readable media include, for example, a floppy disk, a flexible disk, hard disk, magnetic tape, or any other magnetic medium, a CD-ROM, any other optical medium, punchcards, papertape, any other physical medium with patterns of holes, a RAM, a PROM, and EPROM, a FLASH-EPROM, any other memory chip or cartridge, a carrier wave as described hereinafter, or any other medium from which a computer can read". Previous 101 rejection is maintained.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. As per **claim 44**, when a nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal (Specification page 25 Paragraph 116, lines 5-6), it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e. abstract ideas, stored in a computer readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-41 and 43-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva et al. (US 6,615,347) in view of England et al. (20070174921).

As per **claim 1** de Silva discloses: receiving a first security certificate associated with the sender and storing the first security certificate in a location accessible to the receiver (Column 3, Lines 58-Column 4, Lines 10); updating the first security certificate when the location accessible to the receiver if the first security certificate is changed or revoked (Column 6, Lines 10-34); receiving a second security certificate from the sender when identity of the sender needs to be verified (Column 6, Lines 35-40). De Silva does not explicitly teach: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate; and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender. However, England et al. discloses: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate (0158); and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender (0158). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was

made to use the teachings of England in conjunction with the teachings of De Silva for the benefit of trusted application upgrade (0039)

As per **claim 18** de Silva discloses: copying a first security certificate associated with the client to a location accessible to the server (Column 3, Lines 58-Column 4, Lines 10); updating the first security certificate in the location accessible to the server when the first certificate is changed or revoked (Column 7, Lines 6-30); receiving a second security certificate from the client when identity of the client needs to be verified (Column 6, Lines 35-40). De Silva does not explicitly teach: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate without parsing of data fields contained within either the first or second security certificate; and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender. However, England et al. discloses: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate without parsing of data fields contained within either the first or second security certificate (0158); and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender (0158). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of England in conjunction with the teachings of De Silva for the benefit of trusted application upgrade (0039)

As per **claim 32** de Silva discloses: receiving a first security certificate associated with the server and storing the first security certificate in a location accessible to the client (Column 3, Lines 58-Column 4, Lines 10); updating the first security certificate in the location accessible to the client when the first security certificate is changed or revoked (Column 7, Lines 6-30); receiving a second security certificate from the server when identity of the server needs to be verified (Column 6, Lines 35-40). De Silva does not explicitly teach: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate without parsing of data fields contained within either the first or second security certificate; and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender. However, England et al. discloses: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate without parsing of data fields contained within either the first or second security certificate (0158); and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender (0158). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of England in conjunction with the teachings of De Silva for the benefit of trusted application upgrade (0039)

As per **claim 44**, de Silva discloses: receiving a first security certificate associated with the sender and storing the first security certificate in a location

accessible to the receiver (Column 3, Lines 58-Column 4, Lines 10); updating the first security certificate when the location accessible to the receiver if the first security certificate is changed or revoked (Column 6, Lines 10-34); receiving a second security certificate from the sender when identity of the sender needs to be verified (Column 6, Lines 35-40). De Silva does not explicitly teach: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate; and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender. However, England et al. discloses: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate (0158); and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender (0158). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of England in conjunction with the teachings of De Silva for the benefit of trusted application upgrade (0039)

As per **claim 45**, de Silva discloses: receiving a first security certificate associated with the sender and storing the first security certificate in a location accessible to a receiver (Column 3, Lines 58-Column 4, Lines 10); updating the first security certificate in the location accessible to the receiver when the first security certificate is changed or revoked (Column 7, Lines 6-30); receiving a second security certificate from the sender when identity of the sender needs to be verified (Column 6,

Lines 35-40 De Silva does not explicitly teach: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate; and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender. However, England et al. discloses: comparing in memory a binary representation of the entire second security certificate to a binary representation of the entire first security certificate (0158); and confirming the sender's identity only when the binary representation of the second security certificate matches the binary representation of the first security certificate for the sender (0158). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of England in conjunction with the teachings of De Silva for the benefit of trusted application upgrade (0039)

As per **claim 2, 19 and 33**, rejected as applied to claim 1, 18 and 32.

Furthermore de Silva discloses: removing the first certificate from the location accessible to the receiver when the first certificate is revoked (Column 7, Lines 6-30); and replacing the first certificate in the location accessible to the receiver if the first certificate is changed (Column 7, Lines 61-63).

As per **claim 3, 20 and 34**, rejected as applied to claims 2, 19 and 33.

Furthermore, de Silva discloses: the removing step is performed when the first certificate is known to have been revoked for a reason selected from the group

consisting of expiration of the certificate, change of certificate authority, and compromise of the certificate (Column 5, Lines 25-32).

As per **claims 4, 21 and 35**, rejected as applied to claims 2, 19 and 33.

Furthermore, de Silva discloses: wherein the replacing step is performed when the first certificate is known to have been changed for a reason selected from the group consisting of expiration of the certificate, change of certificate authority, and compromise of the certificate (Column 5, Lines 25-32).

As per **claim 5**, rejected as applied to claim 1. Furthermore, de Silva discloses: storing the first security certificate in a directory service (Column 3, Lines 51-55).

As per **claim 6 and 22**, rejected as applied to claims 5 and 18. Furthermore, de Silva discloses: wherein the directory service is a Lightweight Directory Access Protocol directory (Column 3, lines 51-55).

As per **claims 7 and 23**, rejected as applied to claims 1 and 18. Furthermore, de Silva discloses: wherein the first certificate is known to have been granted by a certificate authority (Column 3, Lines 50-51).

As per **claims 8 and 24**, rejected as applied to claims 1 and 18. Furthermore, de Silva discloses: wherein the first certificate is known to have been obtained in a trusted domain (Column 3, Lines 50-51).

As per **claim 9, 26 and 36**, rejected as applied to claims 1, 18 and 32. Furthermore, de Silva discloses: herein the step of comparing the first certificate and second certificate comprises comparing a computer memory representation of each certificate (Column 9, Lines 10-25).

As per **claim 10**, rejected as applied to claim 1. Furthermore, de Silva discloses: wherein the sender is a client and the receiver is a server (Column 4, Lines 33-51).

As per **claims 11, 25 and 37**, rejected as applied to claims 10, 18 and 32. Furthermore, de Silva discloses: herein the receiver is an authentication, authorization, and accounting server (Column 4, Lines 33-51).

As per **claim 12**, rejected as applied to claim 1. Furthermore de Silva discloses: wherein the sender is a server and the receiver is a client (Column 4, Lines 33-51).

As per **claim 13, 27 and 38**, rejected as applied to claims 1, 18 and 32. Furthermore, de Silva discloses: wherein the communication between the sender and receiver is in a protocol that requires the inclusion of a digital certificate (Column 4, Lines 55-65).

As per **claims 14, 28 and 39**, rejected as applied to claims 13, 27 and 28. Furthermore, de Silva discloses: wherein the protocol is selected from the group consisting of the Extensible Authentication Protocol and Transport Level Security protocol, the Protected Extensible Authentication Protocol, and the Tunnelled Transport Level Security protocol (Column 4, Lines 55-65).

As per **claims 15, 29 and 40**, rejected as applied to claims 1, 18 and 32. Furthermore, de Silva discloses: the second certificate is known to have been signed by a certificate authority (Column 3, Lines 50-51 and Column 1, Lines 40-55, Column 2, Lines 13-26).

As per **claims 16, 30 and 41**, rejected as applied to claims 15, 29 and 40. Furthermore, de Silva discloses: decrypting the second certificate using a public key

associated with the certificate authority, whereby the receiver verifies that the certificate authority has signed the second certificate (Column 1, Lines 52-60).

As per **claims 17, 31 and 43**, rejected as applied to claims 1, 18 and 43.

Furthermore, de Silva discloses: receiving a message encrypted with the sender's private key; and decrypting the message using the sender's public key (Column 3, Lines 35-50).

As per **claim 46**, rejected as applied to claim 45. Furthermore, England et al. discloses: comparing an occupied length in memory of the first security certificate to an occupied length in memory of the second security certificate before the confirming of the sender's identity (0158).

As per **claim 47**, rejected as applied to claim 45. Furthermore, England et al. discloses: comparing is performed without parsing of data fields contained within either the first or second security certificates (0158).

7. **Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over de Silva et al. (US 6,615,347) in view of England et al. (20070174921) in further view of Fe et al. (US 20030037234).

As per **claim 42**, rejected as applied to claim 32. The combined references De Silva and England et al. do not explicitly teach wherein the server is one of a plurality of load balanced servers and each server of the plurality of load balanced servers has an identical security certificate, whereby the client need not know to which of the plurality of

servers it is attached. However, Fu et al. discloses: wherein the server is one of a plurality of load balanced servers and each server of the plurality of load balanced servers has an identical security certificate, whereby the client need not know to which of the plurality of servers it is attached (0046). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Fu et al. in conjunction with the combined teachings of De Silva and England et al. for the benefit of greater scalability (0012).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
November 26, 2007


SYED A ZIA
PRIMARY EXAMINER